

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14855, of Amoco Oil Co., pursuant to 11 DCMR 3108.1, for a special exception under Section 743 to establish a 24 hour self-service gasoline station and convenience store in a C-3-A District at premises 1234 Good Hope Road, S.E., (Square 5601, Lot 54).

HEARING DATE: July 28, 1988
DECISION DATE: September 7, 1988

FINDINGS OF FACT:

1. The property is located at the northwest corner of the intersection of Good Hope Road and 13th Street and is known as premises 1234 Good Hope Road, S.E. It is zoned C-3-A.
2. The site is irregularly shaped and contains approximately 15,198 square feet of lot area. The property is currently improved with a one-story structure which was formerly used as a three-bay gasoline service and repair station.
3. The applicant proposes to raze the existing improvements and construct a self-service retail gasoline station and convenience store. Special exception relief pursuant to 11 DCMR 743.1 is therefore required.
4. The property is located in a C-3-A District which extends along both sides of Good Hope Road to the west. East along Good Hope Road is C-2-A zoning. Retail services in the area include a department store, two hardware stores, fast food restaurants and a laundromat, as well as several office buildings. The site abuts a three-story mixed-use structure.
5. The applicant proposes to construct a modern gasoline station with a small convenience store and self-service pumps. The convenience store building will measure 44 by 17 feet. The building will also contain the cashiers booth plus coolers, toilet and storage areas. The main sales area will measure approximately 22 by 19 feet. There will be no cooking on the premises. There will be four new pump islands, each with one self-service multi-hose dispenser capable of serving one car on each side of the island. A 32 foot by 96 foot canopy will be constructed

over the pump islands. The pumps and the canopy will be located in the center of the site. The canopy will be lighted and will shelter customers pumping gas in all weather.

6. The applicant proposes to retain the existing four curb cuts. Two curb cuts measuring approximately 30 feet are located on Good Hope Road and two curb cuts measuring approximately 35 feet are located on 13th Street. The northernmost curb cut on 13th Street will be rebuilt in its existing location. The applicant also proposes to install new curbs and sidewalks as necessary.

7. The proposed gasoline service station is in excess of 25 feet from the closest residential district and is also separated therefrom by a public alley and street. The public alley is 15 feet wide and 13th Street is 60 feet wide. At its closest point,, the gasoline service station will be approximately 80 feet from the residential district.

8. All vehicular entrances are in excess of 25 feet from the closest residential district and are located more than 40 feet from the nearest street intersections. There will be no hoist or grease pits associated with this use.

9. The applicant's representative testified that the operation of a gasoline service station at the subject site will not create dangerous or other objectionable traffic conditions. In BZA Order No. 8742, dated July 1, 1966, in which the Board approved the establishment of automobile repairs in conjunction with the existing gasoline service station, the Department of Highways and Traffic offered no objection to the application and noted that past experience with the existing facility had shown no adverse effect on traffic in the area.

10. The proposed construction will improve the internal circulation at the site. The main structure is located centrally on the site and the pump islands are located in such a manner as to safely channel and direct traffic within the site. In addition, the proposed structure is smaller than the existing building, thereby opening up more space on the site to improve vehicle circulation and maneuverability.

11. The applicant testified that the proposed use is so designed that the appearance, screening, lighting, landscaping and other features of the station will not adversely affect neighboring property owners. The design, appearance and other features will vastly improve the existing abandoned condition. The lighting will be confined to the site and will be oriented downward so as not to adversely affect neighboring properties. The applicant will construct a six foot high chain link fence with black slats on the northern property line. The trash area will be enclosed with the same type of fencing and will include gates for access to the dumpster.

12. The building on the site will contain approximately 865 square feet of gross floor area and will therefore require three parking spaces. Three parking spaces are shown on the site plan and all spaces are designed to be accessible at all times.

13. By memorandum dated July 19, 1988, the Office of Planning (OP) recommended that the application be approved. The OP was of the opinion that the proposal was not likely to create dangerous or other objectionable conditions in the area. However, the OP deferred on the question of traffic circulation and parking to the recommendations of the Department of Public Works. The Board concurs with OP's recommendation.

14. The Board left the record open at the conclusion of the public hearing in order to receive the written recommendations of the Department of Public Works. By memorandum dated August 11, 1988, DPW recommended that the existing entrance on 13th Street closest to Good Hope Road be abandoned because of its proximity to the intersection and the potential for vehicular conflicts. The DPW was of the opinion that the proposed use of the site would have a negligible traffic impact on the surrounding street system. The Board concurs with the recommendation of the DPW. On August 13, 1988, the applicant submitted revised plans evidencing the elimination of the driveway as recommended.

15. By letter dated July 8, 1988, and a representative at the public hearing, Advisory Neighborhood Commission (ANC) 6C requested that the public hearing be postponed to allow the ANC an opportunity to meet with the community and submit its comments. The Board left the record open to allow the ANC to meet with the applicant and community and to submit its written issues and concerns. By letter dated August 23, 1988, ANC 6C recommended approval of the application subject to numerous conditions. By letter dated August 31, 1988, the applicant agreed to comply with the conditions recommended by the ANC.

16. Several persons appeared at the public hearing and the record contains several letters in support of the application. The support was generally based on the improved appearance and maintenance of the site, the provision of a needed facility in the area, and improved economic revitalization in the area.

17. Several persons testified in opposition to the application. The opposition was generally based on the following:

- a. The modern design of the station is inappropriate due to the location of the Anacostia Historic District across the street from the site.

- b. The facility will result in increased traffic movement on a currently heavily traveled street.
- c. The proposal is inconsistent with the Development Concept Plan for Old Anacostia.

18. In addressing the concerns raised by the opposition, the Board finds that it must be guided by the applicable provision of the Zoning Regulations and that, as a special exception, a gasoline service station is a use predeemed compatible with other commercial uses in the area provided certain requirements of the Zoning Regulations are met. The Board notes that it has no jurisdiction with regard to the historic district and further notes that the subject site is not located in the historic district in any case.

CONCLUSIONS OF LAW AND OPINION:

Based on the Findings of Fact and evidence of record, the Board concludes that the applicant is seeking a special exception. In order to be granted such a special exception, the applicant must demonstrate that it has complied with the requirements of Sub-section 743.1 and Sub-section 3108.1 of the Zoning Regulations.

The Board concludes that the application meets the requirements for a special exception. The station is located in its entirety in excess of 25 feet from the closest residence district and is separated therefrom by a street and public alley. All vehicular entrances are in excess of 25 feet from the closest residence district. All driveways are located more than 40 feet from the closest street intersection, as measured from the curb lines extended. No hoists or grease pits will be associated with the use. The operation will not create any dangerous or other objectionable traffic conditions. The design, appearance and other features will not adversely affect any of the neighboring property owners. The required number of parking spaces will be provided. The proposed renovation will be in harmony with the general purpose and intent of the Zoning Regulations and, as hereinafter conditioned, will not tend to adversely affect the use of neighboring property.

The Board further concludes that the special exception can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and would not tend to adversely affect the use of neighboring property in accordance with said Regulations and Map. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

- 1. Construction shall be in accordance with the plans marked as Exhibit No. 23A of the record except as modified by Exhibit No. 32A and the conditions of this order.


2. The convenience store shall have a brick facade. The color of the brick shall match the color of the upper portion of the brick on Campbell's Hardware Store, which is located across 13th Street from the Amoco Station.
3. The southeast corner of the site shall be landscaped. The landscaping shall be enclosed with a brick wall not more than fourteen inches in height. The color of the brick shall match that of the convenience store. The enclosure shall be brick on the sides facing Good Hope Road and 13th Street, as well as the sides facing the interior of the site. There shall be protective posts placed in front of the interior brick wall every four feet in order to provide protection from car bumpers.
4. The trash enclosure shall be composed of a brick wall and wooden gates.
5. There shall be no music broadcast over the outdoor intercom system.
6. There shall be no outdoor vending machines.
7. There shall be no vehicle storage or outside display of products.
8. There shall be at least four litter containers on the site located around the perimeter and at the entrances.
9. Amoco's free-standing sign may not exceed twenty feet in height and shall contain gas price information and a sign for the convenience store. No temporary promotional signs shall be permitted.
10. The light pole located just east of the eastern entrance to the site on Good Hope Road shall be eliminated. The light pole which would have been located just south of the southern entrance to the site on 13th Street (which is to be eliminated pursuant to Amoco's agreement with DPW) shall be moved farther to the north.
11. There shall be no grease pits or hoists on the subject premises.
12. The convenience store only shall be closed between the hours of 11:00 P.M. and 6:00 A.M.
13. Amoco shall provide landscaping of the site and concrete curbs.

14. Amoco shall construct a wall along the northern edge of the site. The wall shall have a brick base 30 inches in height with columns of brick six feet in height, with six to eight feet between the columns. Above the thirty inch tall brick wall will be wrought iron three feet in height, as shown on Exhibit No. 32A of the record.

VOTE: 4-0 (Maybelle Taylor Bennett, William F. McIntosh, Paula L. Jewell and Carrie L. Thornhill to grant; Charles R. Norris not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FEB 17 1989

FINAL DATE OF ORDER: _____

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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